

**MEDICAL EXAMINING BOARD
MINUTES
JULY 20, 2005**

PRESENT: Drs. Alfred Franger; Jon Gudeman; Sujatha Kailas; Jack Lockhart; Daniel Miota; Ian Munro; Gene Musser; Sandra Osborn; Bhupinder Saini; and Virginia Heinemann

STAFF: Tom Ryan, Bureau Director; Colleen Baird, DRL Board Counsel; PJ Monson, Bureau Assistant

GUESTS: Mark Grapentine, Wisconsin Medical Society

CALL TO ORDER

Dr. Alfred Franger, called the meeting to order at 8:05 an. There was a quorum of 11 members present.

Secretary Celia Jackson:

Secretary Jackson greeted the board and asked if there were any questions or concerns.

APPROVAL OF AGENDA

Additions to Agenda:

Item "C" — Suster informational item

After "V" — Stipulation in the matter of disciplinary proceedings against Jason M. Bellak, MD

After "V" — Complaint in the matter of disciplinary proceedings against Daniela S. Angelia, PA

After "V" — Death Cases Report, as of 7/18/05

After "V" — Three Year Report as of 7/18/05

After "V" — DOE Pending Cases

After "V" — Amended Order Fixing Costs in the matter of disciplinary proceedings against Matthew Clayton, MD

Item "B" —. set screening panels

Deletions from Agenda:

Item "Q" — A will not be appearing

Item "R" — Annual Appearance of David Hanes, DO, removed from agenda

MOTION: Dr. Saini moved, seconded by Ms. Heinemann, to approve the agenda of July 20, 2005, with modifications. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 15, 2005

Amendments to Minutes:

Page 11 — Michael Meyer Dr. Munro abstained.

MOTION: Dr. Lockhart moved, seconded by Dr. Kailas, to approve the June 15, 2005 minutes with amendment Motion carried unanimously.

Screening Panel Report:

The screening panel reported that it reviewed 33 complaints: 10 were opened, 23 were not opened.

ADMINISTRATIVE REPORT

2006 Meeting and Screening Schedule:

The Board approved the meeting dates for 2006.

MOTION: Dr. Munro moved, seconded by Dr. Kailas, to accept the meeting and screening schedule as presented. Motion carried unanimously.

Oral Interview Review Panels:

- August: Dr. Saini, Dr. Gudeman, Dr. Erickson, Dr. Miota
- September: Dr. Munro, Dr. Gudeman, Dr. Lockhart, Dr. Musser, Dr. Kailas
- October: Dr. Lockhart, Dr. Osborn, Dr. Erickson, Dr. Gudeman,
- November: Dr. Osborn, Dr. Lockhart, Dr. Erickson, Dr. Musser, Dr. Munro
- December: Dr. Munro, Dr. Osborn, Dr. Gudeman, Dr. Kailas

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

Freeman Moore, MD

Attorney Michael Berndt presented the Proposed Stipulation, Final Decision and Order in the matter of Freeman Moore, MD.

Richard F. Hearn, MD

Attorney Gil Lubcke presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Richard F. Hearn, MD.

George Bolek, MD

Attorney Arthur Thexton presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against George Bolek, MD.

David Tick, MD

Attorney Jim Polewski presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against David Tick, MD.

George Witteman MD

Attorney Michael Berndt, presented oral arguments in the matter of disciplinary proceedings against George Witteman, MD

**PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE RECEIVED
IN THE BUREAU AFTER MAILING OF AGENDA**

Jason M. Bellak, MD

Attorney Arthur Thexton and Jason M. Bellak, MD presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Jason M. Bellak, MD.

**PRESENTATION OF PROPOSED DECISIONS THAT MAY BE RECEIVED IN
THE BUREAU AFTER MAILING OF THE AGENDA**

None.

CONVENE TO CLOSED SESSION

MOTION: Dr. Miota moved, seconded by Dr. Kailas, to adjourn to closed session pursuant to Wisconsin State statutes 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Motion carried by roll call vote: Dr. Franger; Dr. Gudeman-yes, Dr. Kailas; Dr. Lockhart-yes, Dr. Erickson-yes; Ms. Heinemann-yes, Dr. Miota; Dr. Musser-yes; Dr. Osborn-yes; Dr. Bhupinder Saini-yes; Dr. Ian Munro-yes.

Open Session recessed at 9:08 a.m.

RECONVENE TO OPEN SESSION

MOTION: Dr. Miota moved, seconded by Ms. Heinemann, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 12:00 p.m.

REQUEST TO RETAKE OPEN BOOK EXAMINATION

AMIT M. DEOKAR MD

MOTION: Dr. Musser moved, seconded by Dr. Erickson, to issue a notice of intent to deny and to request an appearance before the board upon receipt of documentation showing additional training has been received and a report of his performance from his residency director. Motion carried unanimously.

FULL BOARD ORAL EXAMINATION

JOSE A. PADILLA, MD

Dr. Padilla appeared before the Board for the examination.

MOTION: Dr. Gudeman moved, seconded by Dr. Munro, to approve the application for license for Jose A. Padilia. Motion carried unanimously.

APPLICATION REVIEW

ALEXEI TOY, MD

Dr. Gudeman and Dr. Lockhart will complete their review the exam report.

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to request an appearance before the board should the result of the oral exam be failure, Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS, FINAL
DECISIONS AND ORDERS**

FREEMAN MOORE, MD

MOTION: Dr. Miota moved, seconded by Ms. Heinemann, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Freeman Moore, MD 04 MED 253. Motion carried unanimously.

RICHARD F. HEARN, MD

MOTION: Dr. Erickson moved, seconded by Dr. Osborn, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Richard F. Hearn,

MD —03 MED 508, 04 MED 143, and 04 MED 417. Motion carried unanimously.

GEORGE BOLEK, MD

MOTION: Ms. Heinemann moved, seconded by Dr. Osborn, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of George Bolek, MD —02 MED 343. Motion carried, Dr. Miota abstained.

DAVID TICK, MD

MOTION: Dr. Erickson moved, seconded by Dr. Munro, to adopt the Findings of Fact, Conclusion of Law, Stipulation and Order in the matter of David Tick, MD — 03 MED 326. Motion carried unanimously.

GEORGE WITTEMAN, MD

MOTION: Dr. Saini moved, seconded by Dr. Miota, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of George Witteman, MD - 02 MED 236. Motion carried unanimously. Ms. Heinemann abstained.

JASON M. BELLAK, MD

MOTION: Dr. Kailas moved, seconded by Dr. Miota, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Jason M. Bellak, MD - 05 MED 2. Motion carried unanimously.

DANIELA S. ANGELI, PA

MOTION: Dr. Saini moved, seconded by Dr. Gudeman, in favor of a finding of probable cause in the matter of Daniela S. Angelia, PA - 02 MED 184. Motion carried unanimously.

DELIBERATION OF ADMINISTRATIVE WARNING

05 MED 215

MOTION: Dr. Saini moved, seconded by Dr. Munro, to approve the administrative warning, in the matter of Darci L. Greeno, MD 05 MED 215. Motion carried unanimously. Ms. Heinemann abstained.

05 MED 216

MOTION: Mr. Munro moved, seconded by Dr. Osborn, to approve the administrative warning in the matter of Carl L. DiGiorgio, MD 05 MED 216. Motion carried unanimously. Ms. Heinemann abstained.

ORDER FIXING COSTS

MOTION: Dr. Musser moved, seconded by Dr. Kailas, to accept the amended order fixing costs in the matter of Matthew Clayton, MD. Motion carried unanimously.

DELIBERATION OF PROPOSED DECISIONS

MARK K JENSON, MD

MOTION: Dr. Gudeman moved, seconded by Dr. Miota, to adopt the variance to the proposed decision with reprimand and course work to include 24 CME hours in the evaluation and management of pelvic pain and course work in pediatric and adolescent pain within 6 months of the date of the order. Full costs will be assessed. Motion carried unanimously. Dr. Munro and Dr. Erickson abstained.

MOTION: Dr. Munro moved, seconded by Ms. Heinemann, to allow the chair to authorize signature on the variance in the matter of Mark K. Jensen, MD. Motion carried unanimously.

CML A. TASCH, MD

MOTION: Dr. Lockhart moved, seconded by Dr. Kailas, to accept the proposed decision in the matter of Gail A. Tasch, MD - 03 MED 305. Motion carried unanimously.

DOE MONITORING

REY PALOP, MD

REQUEST FOR REINSTATEMENT OF LICENSE

MOTION: Dr. Kailas moved, seconded by Dr. Osborn, to grant reinstatement of license in the matter of Rey Palop, MD. Motion carried unanimously.

**RICHARD HELFFRICH, MD
REQUEST FOR THREE-MONTH STAY**

MOTION: Dr. Miota moved, seconded by Dr. Saini, to approve the three month stay in the matter of Richard Helffrich, MD. Motion carried unanimously.

**KENNETH SPARR, MD
REQUEST FOR THREE-MONTH STAY**

MOTION: Dr. Gudeman moved, seconded by Dr. Saini, to grant the three month stay for Kenneth Sparr, MD. Motion carried unanimously.

**ROBERT VINCENT, MD
REQUEST FOR THREE-MONTH STAY**

MOTION: Dr. Saini moved, seconded by Dr. Kailas, to grant the three month stay in the matter of Robert Vincent, MD. Motion carried unanimously. Dr. Musser abstained.

**PRESENTATION OF PROPOSED COMPLAINTS THAT MAY BE RECEIVED
IN THE BUREAU AFTER MAILING OF AGENDA**

Daniela S. Angeli, PA

Pamela Stach presented the Proposed Complaint in the matter of disciplinary proceedings against Daniela S. Angeli, PA.

MOTION: Dr. Saini moved, seconded by Dr. Gudeman, in favor of a finding of probable cause to issue a complaint in the matter of Daniela S. Angeli, PA. Motion carried. Dr. Munro abstained.

DOE CASE STATUS REPORTS

03 MED 590

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to require 12 CME in ocular emergency, including tonometry, in case 03 MED 590. Motion carried unanimously. Dr. Lockhart and Dr. Kailas abstained.

DOE CASE CLOSINGS

04 MED 505

MOTION: Dr. Gudeman moved, seconded by Dr. Lockhart, to close case 04-MED 505 for insufficient evidence. Dr. Munro abstained. Motion failed. 4-Yes 5-No.

MOTION: Dr. Erickson moved, seconded by Dr. Osborn, to issue an administrative warning in the case of 04- MED 505. Motion carried unanimously. Dr. Munro abstained.

The warning will be prepared by the Division of Enforcement and returned to a future Meeting

05 MED 016

MOTION: Dr. Saini moved, seconded by Ms. Heinemann, to close case 05 MED 016 for insufficient evidence. Motion carried unanimously. Dr. Musser abstained.

04 MED 408

MOTION: Dr. Miota moved, seconded by Dr. Munro, to close case 04 MED 408 for insufficient evidence. Motion carried unanimously. Dr. Kailas abstained.

03 MED 508

MOTION: Dr. Munro moved, seconded by Dr. Kailas, to close case 03 MED 508 for no violation. Motion carried unanimously. Dr. Musser abstained.

04 MED 143

MOTION: Dr. Osborn moved seconded by Dr. Kailas, to close case 04 MED 143 with flag on Dr. Heineck's expired license. Motion carried unanimously. Dr. Musser abstained. Note: The Division of Credential Processing will flag the License should the respondent attempt license renewal in the next 5 years.

04 MED 155

MOTION: Dr. Miota moved seconded by Dr. Saini, to close case 04 MED 155 for no violation Motion carried unanimously. Dr. Franger abstained.

04 MED 316

MOTION: Dr. Miota moved, seconded by Dr. Kailas, to close case 04 MED 316 for prosecutorial discretion (P2). Motion carried unanimously. Dr. Munro abstained

DELIBERATION OF REMEDIAL EDUCATION CASES RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA

There were no remedial education cases to address at this time.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Dr. Lockhart moved, seconded by Dr. Munro, to ratify all licenses presented in closed session. Motion carried unanimously.

EXAMINATION ISSUES

Darwin Tichenor appeared to discuss the exam questions.

APPLICATION ISSUES

None.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING. IS APPROPRIATE

MOTION: Dr. Miota moved, seconded by Ms. Heinemann, to reaffirm all motions made during closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Dr. Miota moved, seconded by Dr. Kailas, to adjourn the meeting at 12:02 p.m. Motion carried unanimously.

Next meeting August 17, 2005